

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 11
:
JOSEPH KLAYNBERG, : Case No. 22-10165 (MG)
:
:
Debtor. :
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**STIPULATION AND ORDER MODIFYING NON-DISCLOSURE AND
CONFIDENTIALITY STIPULATION**

This Stipulation and Order (the “Stipulation and Order”) is entered into between Joseph Klaynberg (the “Debtor”), Jonathan Flaxer (the “Trustee”), and Series 2020A of Nahla Capital LLC (“Nahla”), by and through their respective undersigned counsel. The Debtor and the Trustee are referred to herein collectively as the “Parties” and each individually as a “Party”.

RECITALS

A. On February 11, 2022 (the “Petition Date”), the Debtor commenced a case (the “Case”) under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of New York (the “Court”).

B. On June 30, the Bankruptcy Court so-ordered a Non-Disclosure and Confidentiality Stipulation (the “NDA”) entered into between the Debtor and Nahla respecting certain discovery conducted by Nahla.

C. On September 23, 2022, an Order was entered by the Court in the Case granting the appointment of the Trustee as chapter 11 Trustee in the Case.

D. The Trustee has requested that Nahla turn over to him the documents produced by the Debtor to Nahla pursuant to the NDA.

E. The Debtor has agreed to such turnover provided that the Trustee be bound by the terms of the NDA.

F. The Trustee has agreed to be bound by the terms of the NDA with one modification.

STIPULATION

NOW, THEREFORE, the Parties stipulate and agree, subject to the Court's approval, as follows:

1. The Trustee shall be deemed a party to, and shall be bound by, the NDA.
2. Paragraph 7 of the NDA shall be replaced solely as to the Trustee with the following: "The Trustee will give reasonable notice to the Debtor and Nahla prior to using the Confidential Information outside of the list of the parties enumerated in Paragraph 5(i) hereof in connection with his duties as chapter 11 trustee, provided that any Party that objects to the Trustee's proposed use of the Confidential Information must file an objection with the Court within 5 days after receiving such notice for a determination by the Court. Absent such timely filed objection, the Trustee may use the Confidential Information as proposed in the initial notice."
3. Except as set forth herein, the terms and conditions of the NDA shall remain in full force and effect as to all Parties.
4. This Stipulation and Order is subject to the approval of the Bankruptcy Court, and the terms and provisions of the agreement contained herein shall be void and of no further force and effect if such approval is not granted.

[Remainder of page intentionally left blank]

Dated: New York, New York
October 31, 2022

By: /s/ Bonnie Pollack

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Attorneys for Series 2020A of Nahla Capital LLC

IT IS SO ORDERED:

Dated: November 10, 2022
New York, New York

/s/ Martin Glenn
MARTIN GLENN
Chief United States Bankruptcy Judge